

Message Text

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PAGE 01 STATE 176686

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DRAFTED BY: L/AF:BKHUFFMAN:MMP

APPROVED BY: AF/E-WBCOOTE

JUSTICE:MR STEIN (SUBS)

SCA:FSMITH

L/M/SCA:KEMALMBORG

AF/E:MR BRESLER

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P 131853Z AUG 74

FM SECSTATE WASHDC

TO AMEMBASSY TANANARIVE PRIORITY

C O N F I D E N T I A L STATE 176686

STADIS//////////

E.O. 11652: GDS

TAGS: CASC, MA

SUBJECT: REPPAS CASE

1. IN EFFORT TO FIND SOME SATISFACTORY SOLUTION TO BLEAK PROSPECTS IN REPPAS CASE, WE REQUEST YOUR ASSESSMENT OF LIKELY GOMR REACTION TO POSSIBLE USG PROPOSAL THAT REPPAS BE RETURNED TO U.S. FOR FORM OF "SERVICE" OF REMNANT OF HIS SENTENCE.

2. WE RECALL EMBASSY REPORTED THAT LEBEL, AT SOME STAGE IN CASE, STATED THAT FRENCH NATIONALS UNDER CRIMINAL SENTENCE IN MADAGASCAR WERE CUSTOMARILY TURNED OVER TO FRENCH GOVERNMENT AUTHORITIES FOR COMPLETION OF SENTENCE IN FRANCE.

3. THOUGH THERE IS NO U.S. LAW PERMITTING INVOLUNTARY ENCARCERATION OF AMCIT IN U.S. TO SERVE FOREIGN PRISON SENTENCE, THERE IS MEANS IN SOME STATES IN U.S. WHEREBY
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PAGE 02 STATE 176686

AMCIT CAN VOLUNTARILY SUBMIT HIMSELF TO PAROLE SUPERVISION

PERIOD. IN PENDING ANALOGOUS CASE ELSEWHERE, ANOTHER FOREIGN GOVERNMENT HAS BEEN ADVISED BY EMBASSY THAT AMCIT IN QUESTION "WOULD BE ESCORTED BY A U.S. MARSHALL TO THE U.S. WHERE HE WOULD BE DELIVERED TO APPROPRIATE AUTHORITIES FOR SERVICE OF HIS SENTENCE IN ACCORDANCE WITH SUCH LAWS AND REGULATIONS OF THE UNITED STATES AS MAY BE APPLICABLE UNDER THE CIRCUMSTANCES. WE PRESENTLY ANTICIPATE THIS

WOULD INVOLVE SUPERVISED PAROLE ADMINISTERED UNDER CONSENSUAL PROCEDURES SIMILAR TO THOSE ARRANGED FOR OTHER U.S. CITIZENS SENTENCED ABROAD."

4. SIGNIFICANT CATCH TO ABOVE DESCRIBED CONSENSUAL PAROLE ARRANGEMENTS IS THAT THEY ARE PURELY VOLUNTARY AND UNILATERALLY REVOCABLE BY PAROLEE AT ANY TIME. IN ANALOGOUS CASE, HOWEVER, ARRANGEMENTS SEEM LIKELY TO HAVE SUFFICIENT ATTRACTION TO PERMIT RELEASE OF AMCIT INTO USG CUSTODY NOTWITHSTANDING AWARENESS OF FOREGOING CATCH BY DETAINING STATE'S FOREIGN MINISTER. GOMR AUTHORITIES WOULD HAVE TO BE MADE AWARE OF THIS CATCH.

5. IF YOU CONCLUDE GOMR RESPONSE TO FOREGOING PROPOSAL MIGHT BE POSITIVE, WE WOULD CONTEMPLATE INCLUDING IT IN YOUR PROSPECTIVE DEMARCHE TO GEN. RAMANATSOA ON REPPAS. KISSINGER

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